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## Letter dated 31 July 2018 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General

I have the honour to submit herewith a memorandum signed by the Minister for Foreign Affairs and Human Mobility (surrogate), Andrés Terán Parral, on the withdrawal of the reservations Ecuador made at the International Conference on Population and Development (see annex).

Attached to the memorandum is an outline of the position of the Government of Ecuador on the withdrawal of its reservations to the Programme of Action of the International Conference on Population and Development, adopted at the 14th plenary meeting of the International Conference on Population and Development, held on 13 September 1994, in Cairo, which contains references to the concepts of family, reproductive rights, reproductive health and family planning.

In this regard, I would appreciate it if you could kindly circulate the present letter and its annex as a document of the General Assembly, under agenda item 14.

(*Signed*) Diego **Morejón Pazmiño**
Permanent Representative

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## Annex to the letter dated 31 July 2018 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General

I am pleased to inform you that on 23 November 2017 Ecuador withdrew the reservations to the Programme of Action of the International Conference on Population and Development that it made at the Conference, which was held in Cairo in 1994.

In this regard, I attach herewith a document setting out the reasons for which Ecuador withdrew its reservations to the Programme of Action (see enclosure). I should be grateful if you would have this letter and its enclosure circulated to the States Members of the United Nations to complete the withdrawal process.

(*Signed*) Andrés **Terán Parral**
Minister for Foreign Affairs and Human Mobility (surrogate)

## Enclosure

[Original: Spanish]

## Withdrawal of the reservations made by Ecuador to the Programme of Action of the International Conference on Population and Development, adopted in Cairo in 1994

*The Republic of Ecuador*,

*Taking into consideration* the "reservations" that the country made at the 13th plenary meeting of the International Conference on Population and Development, held on 13 September 1994, which referred to such concepts as the family, reproductive rights, reproductive health and family planning,

*Considering* the commitments of Ecuador as a State party to the Convention on the Elimination of All Forms of Discrimination against Women, and taking into account the position adopted by the Committee on the Elimination of Discrimination against Women with regard to those reservations, and

*Considering* that in 2008 Ecuador adopted a new Constitution which, among other advances, reflects the content of various international instruments, including with regard to sexual rights, reproductive rights and the right to a life free of gender-based violence,

*Wishes to express the following*:

1. The Ecuadorian Constitution provides for a new social pact based on the ethical and legal framework of human rights, which has resulted in fundamental changes in the status of citizens and the expansion of guarantees and recognition of rights; therefore, the grounds for the reservations made in 1994 are incompatible with the content of the current Constitution;

2. The Constitution establishes that the primary duty of the State is to guarantee the human rights recognized in the Constitution and international human rights instruments, without discrimination of any kind;

3. Equality is a fundamental right established in the Ecuadorian Constitution: article 11 thereof provides that "all persons are equal and shall enjoy the same rights, duties and opportunities. No one may be discriminated against on the grounds of ethnicity, place of birth, age, sex, gender identity, cultural identity, civil status, language, religion, ideology, political affiliation, criminal record, socioeconomic status, migration status, sexual orientation, state of health, HIV status, disability, physical difference or any other distinguishing feature, whether personal or collective, temporary or permanent, with the aim or effect of diminishing or nullifying the recognition, enjoyment or exercise of rights";

4. Article 32 of the Constitution establishes that health is a right guaranteed by the State, the fulfilment of which is linked to the exercise of other rights, and that the State shall guarantee this right through economic, social, cultural, educational and environmental policies, and permanent and timely access, without exclusion, to programmes, activities and services for the promotion of comprehensive health care, sexual health and reproductive health;

5. Article 43 of the Constitution provides that the State shall guarantee pregnant women and nursing mothers: (1) the right not to be discriminated against in education, society and employment because of their pregnancy; (2) the right to free maternal health services; (3) the right to priority protection and care of all aspects of their health and their lives during pregnancy, childbirth and the post-partum period; and (4) the right of access to the facilities necessary for recovery after pregnancy and while nursing;

6. Article 45 of the Constitution provides that children and adolescents shall enjoy the rights common to all human beings, in addition to those specific to their age, and that the State shall recognize and guarantee life, including care and protection from the time of conception;

7. In the field of sexual and reproductive rights, article 66 (9) of the Constitution recognizes the right of persons to take free, informed, voluntary and responsible decisions about their sexuality, life and sexual orientation and provides that the State shall promote access to the means required for these decisions to be taken in safe conditions; and article 66 (10) recognizes the right of persons to take free, responsible and informed decisions about their health and reproductive lives and to decide when to have children and how many to have;

8. Article 67 of the Constitution recognizes as subjects of law and protection the various types of families constituted by legal or de facto ties and guarantees them conditions conducive to the full attainment of their goals;

9. Article 69 of the Constitution provides that, in order to protect the rights of family members, responsible motherhood and fatherhood shall be promoted; and the mother and father shall be obliged to care for, rear, educate and feed their children, ensure their comprehensive development and protect their rights, particularly when they are separated from them for any reason;

10. Article 347 of the Constitution establishes that it is the responsibility of the State to ensure that all educational establishments provide education in citizenship, sexuality and the environment, using a rights-based approach; and article 363 of the Constitution stipulates that the State shall be responsible for providing sexual and reproductive health activities and services, and for guaranteeing women's overall health and protecting their lives, especially during pregnancy, delivery and the post-partum period;

11. The Programme of Action is fully consistent with the Constitution of Ecuador, and paragraph 8.25 thereof is particularly emphatic in stressing that "in no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health";

12. The Programme of Action is not an international treaty and, therefore, is not legally binding; rather, since it is a political declaration, the withdrawal by Ecuador of the "reservations" to the Programme of Action offers the opportunity to inform the international community of the Government's commitment to human rights, in line with the 2017–2021 National Development Plan, the law as it stands and the great national crusade to fight discrimination and violence against women; and

13. Maintaining the "reservations" to the Cairo Programme of Action would imply the continuation of a foreign policy position incompatible with article 416 (7) of the Constitution of the Republic, which stipulates, as a principle that the Government must observe in international relations, respect for human rights and the promotion of their full realization through fulfilment of the obligations assumed with the signing of international human rights instruments.

*In the light of the above*, considering the applicable provisions of the Constitution of the Republic of Ecuador and the specific nature of the Cairo Programme of Action, Ecuador, on 23 November 2017, decided to withdraw the reservations made on 13 September 1994 to the Programme of Action, and therefore requests that this document be circulated among the Members of the United Nations as a formal declaration of the reasons for its decision.